



NMECG PRESENTATION  
TO THE  
NM SCIENCE TECHNOLOGY & TELECOMMUNICATIONS  
COMMITTEE  
July 21, 2011  
Room 307, State Capitol  
Santa Fe, NM

Mr. Chairman, thank you for the opportunity to meet with you today. My name is Jeremy Graves, Chief Operating Officer – Valley Telephone Cooperative. Our cooperative provides service to more than 1,000 customers in the southwestern New Mexico counties of Hidalgo, Grant and Luna. In the audience today representing Dell Telephone Cooperative is Ellis McCasland and with ENMR Plateau is Jason Gonzales. Joe Webb is also attending today on behalf of Valley Telephone Cooperative as well.

I am here today to respond to the committee request to discuss the issue of long distance calls not being received by our customers and what we are doing resolve the issue. But first I need to go back to when the problem became apparent. On or about November 10th, our company began receiving trouble tickets from our customers stating that they were only intermittently receiving long distance calls. For those customers who were originating long distance calls from within our network, we were able to troubleshoot those issues by contacting our wholesale long distance provider to trace those calls. Not long thereafter we were able to correct the outbound long distance calls for those on our network by our wholesale carrier “not” using a least cost routing mechanism.

To explain Least Cost Routing: (Attachment 1)

**Least cost routing (LCR) is the process of selecting the path of outbound communications traffic based on cost. Within a telecoms carrier, an LCR team might periodically (monthly, weekly or even daily) choose between routes from several or even hundreds of carriers for destinations across the world. This function might also be automated by a device or software program known as a "Least Cost Router".**

While this seemed to solve our customer’s outbound long distance calls (those customers who use our long distance service), we have no ability to assist our customer’s incoming long distance calls since these calls are not reaching our network. With no call data to trace, we are left with no way to help our customers other than to suggest that they have whoever is trying to reach them place a trouble



ticket with their long distance carrier. This has been the primary method of helping our customers solve this issue. We reached out to Senator Bingaman's office explaining these issues in early December and appreciated his support in reaching out to the FCC asking for a formal response to this problem. Our letter to Senator Bingaman is included in this presentation (Attachment 2) and the response from the FCC is included as well. (Attachment 3)

Although we continue to encourage our customers to ask those people trying to complete calls to them to report the problem to their carrier, it may only happen on a small number of cases due to the inconvenience of the request. It became apparent to us that the issue was not only our company's, but a nationwide problem. Therefore we asked the national organizations representing small rural telephone companies for assistance. On March 11, 2011, an Ex Parte Notice was filed with the FCC and referenced a meeting held the previous day in which several rural association representatives explained the call termination problem to representatives of the FCC. (Attachment 4) On June 13, 2011, a combined filing with the FCC's Enforcement Bureau to open an investigative docket was made by National Exchange Carriers Association (NECA), National Telephone Cooperative Association (NTCA), The Organization for the Promotion and Advancement of Small Telephone Companies (OPASTCO), and Western Telecommunication Alliance (WTA). (Attachment 5)

Representatives from the NM Exchange Carrier Group have also met with the NMPRC Staff, Telecom Director Mike Ripperger and have agreed to request that the NMPRC also open a docket to investigate the issue.

The livelihood of these rural NM residents is affected greatly by this loss of incoming communications. These businesses in most cases are solely dependent on their ability to receive these calls. Calls to these businesses, when not completed, give the impression that they are closed and revenue is lost. Residential customers are also affected by not being able to receive calls from friends and family and in some instances this could be life threatening.

This entire issue could possibly be related to "looping" within the LCR process or it could be a carrier refusing to terminate traffic to high cost areas. If the latter is the case, then this would be a direct violation of FCC Order. "Commission precedent provides that no carriers, including interexchange carriers, may block, choke, reduce or restrict traffic in any way." In the Matter of Call Blocking by Carriers, DA 07-2863, para. 6 (June 28, 2007).

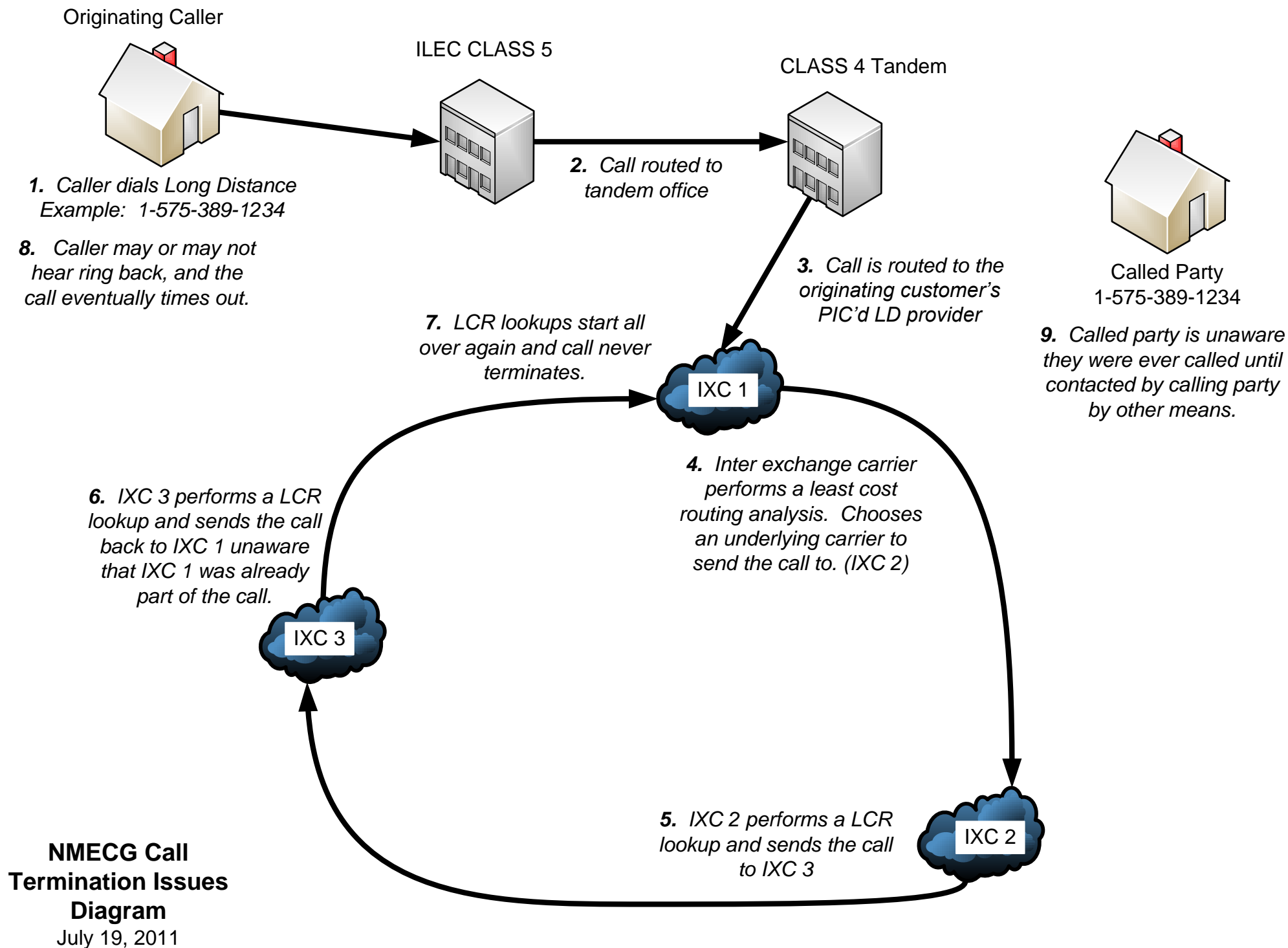
As rural telecommunication providers, we take this issue extremely seriously and are running out of answers for our rural customers. We continue to ask them to report troubles to our companies, but when we try and troubleshoot their call problems with



their particular long distance provider, we hit a roadblock because they ask that their customer call in with the trouble rather than us. We also continue to communicate to our customers to contact the NMPRC at [www.nmprc.state.nm.us/contact.htm](http://www.nmprc.state.nm.us/contact.htm) as well as the FCC at [https://esupport.fcc.gov/ccmsforms/form2000.action?form\\_type=2000B](https://esupport.fcc.gov/ccmsforms/form2000.action?form_type=2000B).

I, along with the others attending with me today, are asking for your help in urging the FCC to expedite their investigation into this issue regarding the lack of incoming calls being terminated in rural areas. We will work with the committee to develop correspondence should the committee decide to assist us in getting the problem corrected.

Thank you for your time and considering my request and I am happy to stand for questions.



Valley Telephone Cooperative

752 E. Maley

Willcox, AZ 85644

December 7th, 2010

The Honorable Jeff Bingaman

703 Hart Senate Office Bldg.

United States Senate

Washington, D.C. 20510

Dear Senator Bingaman:

My name is Joe Webb and I represent Valley Telephone Cooperative which provides service to more than 1,000 of your constituents in the southwestern New Mexico counties of Hidalgo, Grant and Luna.

I am writing you to make you aware of a growing problem regarding the completion of long distance calls to our customer, and ask for your help with the FCC by raising their awareness. On or about November 10th, our company began receiving trouble tickets from our customers stating that they were only intermittently receiving long distance calls. At that time, we began contacting our wholesale long distance provider to make them aware of the issue and not long after the problem of our customers completing long distance calls was fixed by our carrier "not" using a least cost routing mechanism.

**Least cost routing (LCR) is the process of selecting the path of outbound communications traffic based on cost. Within a telecoms carrier, an LCR team might periodically (monthly, weekly or even daily) choose between routes from several or even hundreds of carriers for destinations across the world. This function might also be automated by a device or software program known as a "Least Cost Router".**

While this seemed to solve our customer's outbound long distance calls, we have no ability to assist our customer's incoming long distance calls since these calls are not reaching our switch. With no call data to track, we are left with no way to help our customers other than to suggest that they have whoever is trying to reach them place a trouble ticket with their long distance carrier. Our inability to help our customers is where we need your assistance to express this issue to the FCC. Our understanding is that the Wireline Competition Bureau is aware of the problem.

The livelihood of these rural NM residents is affected greatly by this loss of incoming communications. These businesses in most cases are solely dependent on their ability to receive these calls. Calls to these businesses, when not completed, give the impression that they are closed and revenue is lost. Residential customers are also affected by not being able to receive calls from friends and family and in some instances this could be life threatening.

This entire issue could possibly be related to “looping” within the LCR process or it could be a carrier refusing to terminate traffic to high cost areas. If the latter is the case, then this would be a direct violation of FCC Order. “Commission precedent provides that no carriers, including interexchange carriers, may block, choke, reduce or restrict traffic in any way.” In the Matter of Call Blocking by Carriers, DA 07-2863, para. 6 (June 28, 2007).

Again I am asking for your help in making the FCC aware of this issue and asking them to investigate the lack of incoming calls being terminated in rural areas.

I appreciate your help and ask that you please let me know if you are able to assist us in any way.

Thank you for your time and considering my request.

Sincerely,

Joe Webb

Chief Operating Officer – Valley TeleCom Group



Federal Communications Commission  
Washington, D.C. 20554

February 8, 2011

Mr. Joe Webb  
Chief Operating Officer  
Valley TeleCom Group  
752 E. Maley  
Willcox, AZ 85644

Dear Mr. Webb:

Senator Bingaman forwarded to the Commission your December 7, 2010 letter, in which you express concerns about completion of long distance telephone calls to customers of Valley Telephone Cooperative in southwestern New Mexico, for a direct response to you.

You state that Valley Telephone Cooperative has no ability to assist its customers with problems concerning their incompleting incoming long distance calls, but you speculate that the problem could be related to "looping" within the least cost routing process or call blocking by interexchange carriers.

The Commission would need specific information about the circumstances regarding undelivered calls to Valley Telephone Cooperative's customers to determine whether a party is engaged in unlawful activity. As you point out, the Commission has issued a declaratory ruling making clear that interexchange carriers have an obligation to complete their customers' interexchange calls.<sup>1</sup> If callers to your customers who are unable to complete calls are not able to obtain answers from their long distance providers, they may be able to provide specific information to support an allegation that their carrier is engaging in an activity that violates a provision of the Communications Act, a Commission rule or policy. If so, a complaint would be the best way for these customers to seek relief from the Commission. I can assure you that the Commission will give full attention to any such requests.

I appreciate the opportunity to provide assistance on this important matter. If I can answer any further questions, please do not hesitate to call me at 202 418-1520.

Sincerely,

A handwritten signature in black ink that reads "Albert M. Lewis".

Albert M. Lewis  
Chief, Pricing Policy Division  
Wireline Competition Bureau

cc: Senator Jeff Bingaman

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<sup>1</sup> *Establishing Just and Reasonable Rates for Local Exchange Carriers, Call Blocking by Carriers*, WC Docket No. 07-135, Declaratory Ruling and Order, 22 FCC Rcd 11629 (2007).

March 11, 2011

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

***Ex Parte Notice:***

***In the Matter of Establishing Just and Reasonable Rates for Local Exchange Carriers, Call Blocking by Carriers, WC Docket 07-135; Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92 Rules and Regulations Implementing the Truth in Caller ID Act of 2009, WC Docket No. 11-39.***

Dear Ms. Dortch:

On Thursday, March 10, the undersigned and Jill Canfield from the National Telecommunications Cooperative Association (NTCA), Derrick Owens from the Western Telecommunications Alliance (WTA), Colin Sandy from the National Exchange Carrier Association (NECA), Stuart Polikoff and John McHugh from the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), Kevin Larson from Consolidated Telephone Company, Dave Bickett from Park Region Mutual Telephone Company and Fritz Hendricks from Onvoy (collectively, “the Rural Representatives”) met with the following representatives from the Federal Communications Commission: Dan Ball, Travis Litman, Lynne Engledow, Victoria Goldberg, Al Lewis, John Hunter, Margaret Dailey, Terry Cavanaugh, and Tracy Bridgham.

The group discussed problems related to the transmission and completion of calls placed to customers served by rural local exchange carriers (LECs). The Rural Representatives identified a variety of concerns, including but not limited to: (1) calls that ring for the calling party, but not at all or on a delayed basis for the called customer of the rural LEC; (2) calling parties who receive incorrect or misleading message interceptions before the call ever reaches the rural LEC or the tandem it subtends; (3) calls that appear to “loop” between routing providers, but never reach the rural LEC or the tandem it subtends; and (4) incorrect caller ID that displays to called parties (to the extent such calls reach the rural LEC network at all).

The Rural Representatives explained how difficult it is to identify such problems when they occur. Specifically, because these issues arise in the context of calls placed by customers of other carriers and because the calls may never reach the rural LEC network at all, such problems are most often identified only when the calling party communicates the concern to the called party, and then only if the called party in turn reports this concern to its serving rural LEC. The Rural Representatives further discussed how difficult it is to locate and resolve the source of the



Ms. Marlene H. Dortch

March 11, 2011

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issue even once identified, because there are a variety of platforms on which the troubles arise and a number of logistical and operational barriers to “troubleshooting” problems on other carriers’ networks. The Rural Representatives indicated, however, that their fact-finding supports the conclusion that the problems appear to arise from how originating carriers choose to set up the signaling and routing of their calls. They described their efforts to work with the carriers of calling parties to address the problem and the inconsistent results thereof.

The Rural Representatives described how this problem has become a nationwide and industry-wide epidemic that directly and adversely affects consumers. They gave several examples of how this epidemic threatens public safety and homeland security, and explained how it degrades the integrity and reliability of the nation’s telecommunications network.

The attached document provides further details. It was handed out and presented during the meeting.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS with your office. If you have any questions, please do not hesitate to contact me at (703) 351-2016 or [mromano@ntca.org](mailto:mromano@ntca.org).

Sincerely,

/s/ Michael R. Romano

Michael R. Romano

Senior Vice President – Policy

Enclosure

Cc: Dan Ball  
Travis Litman  
Lynne Engledow  
Victoria Goldberg  
Al Lewis  
John Hunter  
Margaret Dailey  
Terry Cavanaugh  
Tracy Bridgham

# Protecting the Integrity of the PSTN



Consumers Unable to  
Complete Calls to Rural  
America



# Introduction

- The success of the Nation's telecommunications network relies upon the ability of all users to complete calls seamlessly
- Blocked, uncompleted, delayed and/or poor quality calls create adverse economic and public safety impacts
- The Commission should reaffirm its call blocking rules to address recent occurrences

# Outline

- Facts
- Impacts
- Policy
- Law

# Facts

- A growing number of rural customers report difficulties receiving long distance calls
- Numerous reports describe calls that: ring at the caller's end, but not the called party's; "time-out;" have inaccurate or garbled caller ID; have dramatically low voice quality
- Problems lie with the originating carriers and/or routing of calls prior to rural LEC
- Include calls originating from wireline, wireless, interconnected VoIP, and VoIP systems

# Facts

- Reported occurrences in numerous jurisdictions, including but not limited to: Colorado, Iowa, Minnesota, Nebraska, New Mexico, South Dakota, and Wisconsin
- A multi-month effort by a tandem provider to multiple LECs in Minnesota documented numerous in-bound calling problems
  - *Complaints ranging from 4 to 32 trouble tickets per week over 3 month period in 2010*
  - *Often stop-and-start patterns – resolved and restart*
- 80% of carriers responding to NTCA's survey reported termination problems
  - *28% report persistent concerns continue*
  - *46% report ongoing intermittent issues*

# Facts

- Called customers turn to LECs for resolution, but originating carriers are frequently reluctant to work with anyone other than the customer of record (*i.e.*, the originating caller)
- Problem potentially larger than being reported, since:
  - Called customers may not be aware of in-bound call problems absent notification by calling party
  - LECs may not be aware of in-bound call problems absent notification by called customers

# Impacts

- The adverse impacts include economic concerns and public safety
  - A retail firm *invoiced its rural LEC* for more than \$50,000, citing lost sales from potential customers who could not reach the supplier
  - A state police barracks has threatened to move, citing its inability to receive critical calls
  - The Minnesota A.G. has initiated inquiries because of public safety agency concerns
  - Consumers are lodging complaints with the FCC and state commissions; NE has opened a docket
- The integrity of the PSTN is at risk



# Impacts

- Customers turn to local company for resolution of problem that occurs on another's network
  - Customers suffer missed calls
  - LECs endure loss of goodwill
  - LECs expend resources to chase problems – NTCA member: “Countless hours, days, weeks . . . Once we make the initial contact, they pass it off as someone else's problem”
  - With least-cost routing and multiple hand-offs between regulated and unregulated providers (including VoIP), it is difficult – if not impossible – to establish source(s) of issues or establish that state commissions have jurisdiction to help resolve issues

# Policy

- These problems are threatening commerce, public safety, and customers' ability to access and use a reliable network
  - Call failure is an obvious concern, but even inaccurate/garbled caller ID issues can frustrate law enforcement and national security objectives
- The value of the Nation's telecommunications network increases with each connected user; the Commission must prevent operating practices that decrease its value

# Law

- Commission precedent prohibits call blocking and similar practices
  - No carriers may “block, choke, reduce or restrict traffic in any way” (DA 07-2863)
- Such practices “may degrade the reliability of the nation’s telecommunications network”
- “It is not difficult to foresee instances in which the failure of a call to go through would represent a serious problem and, in certain instances, it could be life-threatening” (FCC 01-146)

# Law

- The Commission should ensure that providers do not initiate or permit actions that result in calls failing to terminate
- The Commission should ensure that provider practices do not otherwise result in traffic being choked, restricted, or disguised
- Where a provider knows – *or should reasonably know* – that calls will fail to complete and/or suffer in quality or timeliness of delivery, the provider should be responsible for its acts or omissions

# Law

- Inaccurate caller ID information violates Commission rules
- Common carriers using SS7 are required to transmit the CPN associated with an interstate call to interconnecting carriers (47 CFR 64.1601(a))

# Conclusion

- The Commission should affirm the duty of all providers to route calls properly for completion regardless of the technology used in the transport of those calls
- The Commission should affirm the duty of providers to supply accurate and complete caller ID for the actual customer who originated the call
- The Commission must ensure that users' reliance on the Nation's communications network is not misplaced or undermined



June 13, 2011

Theresa Z. Cavanaugh  
Margaret Dailey  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Call Routing and Termination Problems

Dear Ms. Cavanaugh and Ms. Dailey:

This letter is sent by the below named representatives (the “Rural Representatives”) of the rural telecommunications industry, collectively representing all rural rate-of-return incumbent local exchange carriers (“RLECs”) in the United States, as a follow-up to an earlier meeting during which we discussed problems related to the transmission and completion of calls placed to customers served by RLECs. During our meeting, the Rural Representatives identified a variety of concerns, including but not limited to: (1) calls that ring for the calling party, but not at all or on a delayed basis for the called customer of the RLEC; (2) calling parties who receive incorrect or misleading message interceptions before the call ever reaches the RLEC or the tandem it subtends; (3) calls that appear to “loop” between routing providers, but never reach the RLEC or the tandem it subtends; and (4) incorrect caller ID that displays to called parties.

In our prior meeting, we discussed gathering additional, more specific data that could help in identifying certain service providers involved in these call routing and termination problems. We also discussed providing analysis with respect to any laws, regulations, or orders implicated by the acts or omissions of these service providers and others involved in the routing and termination (or lack thereof) with respect to such calls. This letter, together with the attached materials, responds in both regards.

***The Commission Has Long Recognized the Importance of Interconnected Networks, and it is Time for Commission Action to Protect the Integrity of the PSTN***

By way of background, the Federal Communications Commission (the “Commission”) has long held as paramount the need for a seamlessly interconnected public switched telephone network (“PSTN”) on which customers of all carriers can reach one another without delay, interruption, or interference.<sup>1</sup>

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<sup>1</sup> See, e.g., *Connecting America: The National Broadband Plan*, at § 4.5, p. 59 (“[C]onvergence has a significant impact on the legacy Public Switched Telephone Network (PSTN), a system that has provided, and continues to provide, essential services to the American people.”); *Petition for Partial Reconsideration or, in the alternative, a Petition for Declaratory Ruling regarding The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carriers*, Memorandum Opinion and

Indeed, provisions requiring carriers to accept and deliver messages as sought by customers without alteration, discrimination, or interference lie at the heart of Title II of the Communications Act of 1934, as amended (the “Act”).<sup>2</sup> Yet this core tenet is being undermined with increasing frequency, and the very integrity of the nation’s seamlessly interconnected network is increasingly at risk as originating “retail” interexchange carriers (“IXC”), wireless carriers, or Voice over Internet Protocol (“VoIP”) providers (collectively, “Retail Providers”) and/or wholesale IXCs, IP transport providers or “least cost routing” service providers (collectively, “Underlying Providers”) decide where and when to carry calls and “carve off” exchanges in rural America from the rest of the PSTN.

The Commission has in recent years expressed a significant degree of concern over the capability of service providers to block or otherwise limit customers’ ability to place calls or receive traffic on networks. For example, the Commission’s Wireless Telecommunications Bureau took immediate (and very public) note when, in 2009, it examined whether AT&T and Apple may have collaborated to deny the deployment of a Google Voice application on iPhone devices.<sup>3</sup> In letters sent to AT&T, Apple, and Google, the Commission staff asked a series of detailed questions clearly intended to ensure that service providers were not acting to unreasonably deny consumer choices, expectations, and demands. Further, in 2005, the Enforcement Bureau adopted a Consent Decree terminating an investigation into whether the blocking of VoIP ports by a local exchange carrier violated Section 201(b).<sup>4</sup>

Also, in 2007, the Chief of the Wireline Competition Bureau issued a Declaratory Ruling *sua sponte* that, pursuant to Section 201 of the Act, confirmed that “carriers cannot engage in self help by blocking traffic to LECs allegedly engaged in [access stimulation practices]” because “call blocking may degrade the reliability of the nation’s telecommunications network.” That Declaratory Ruling further reinforced that “no carriers, including interexchange carriers, may block, choke, reduce, or restrict traffic in any way.”<sup>5</sup> Finally, last year, the Commission adopted its “net neutrality” order that, among other things, established a “No Blocking” rule stating that “[f]ixed broadband providers may not block lawful content, applications, services, or non-harmful devices; mobile broadband providers may not block lawful websites, or block applications that compete with their voice or video telephony services.”<sup>6</sup>

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Order, 59 Rad.Reg.2d (P & F) 1275, 1284 (1986) (determining that carriers telephone companies “do not ‘own’ codes or numbers, but rather administer their distribution for the efficient operation of the public switched telephone network”).

<sup>2</sup> See, e.g., *AT&T Corp. v. Jefferson Telephone Co.*, File No. E-97-97, Memorandum Opinion and Order, 16 FCC Rcd 16130, 16134 (2001), at ¶¶ 7-8 (defining the “fundamentals of common carriage” as that a common carrier must “hold[] itself out to serve indifferently with regard to the service in question” and must “allow[] customers to transmit intelligence of their own design and choosing”); see also, *Southwestern Bell Telephone Company v. FCC*, 19 F.3d 1475 (D.C. Cir. 1994) (citing *NARUC v. FCC*, 525 F.2d 630 (D.C. Cir. 1976)).

<sup>3</sup> See DA No. 09-1736, -1737, and -1739.

<sup>4</sup> *Madison River Communications and affiliates*, File No. EB-05-IH-0110, Order, 20 FCC Rcd 4295 (2005).

<sup>5</sup> *Establishing Just and Reasonable Rates for Local Exchange Carriers: Call Blocking by Carriers*, WC Docket No. 07-135, Declaratory Ruling and Order 22 FCC Rcd 11629, 11631 (2007), at ¶¶ 5-6 (“*Call Blocking Order*”).

<sup>6</sup> *Preserving the Open Internet: Broadband Industry Practices*, WC Docket No. 07-52, GN Docket No. 09-191, 25 FCC Rcd 17905, 17906 (2010), at ¶ 1.



### ***The Nature of the Call Routing and Termination Problems***

The problems currently faced by customers in rural America fly in the face of every reasonable expectation of what the PSTN should be. Stories abound of customers in rural areas who – only after they receive calls via other means (e.g., on a cell phone) or emails from friends, family, or business colleagues – find that those trying to reach them at home or in the office have been unable to do so because either the call never went through or it rang a dozen times without answer. In other cases, rural customers report that their caller ID devices display unintelligible information or generic information that does not indicate that the caller is in fact a friend, family member, or business partner. Still others report that the party attempting to call them apparently receives misleading or patently false “intercept” messages about how the RLEC is refusing to interconnect to receive calls, when in fact the call never reached the RLEC’s end office or even the tandem it subtends. Problems are most often identified only when the calling party communicates the concern to the called party, and then only if the called party in turn reports this concern to its serving RLEC. The vast majority of problem calls are thus most likely never reported or identified – indeed, the data provided with this correspondence in all likelihood represents only a small portion of calls that are failing to complete or being transmitted with unintelligible or incorrect caller ID.

As described below, this problem has become a nationwide and industry-wide epidemic that compromises the integrity and reliability of the PSTN and directly and adversely affects consumers in a myriad of disturbing ways. RLECs report instances of small businesses losing tens of thousands of dollars in sales because their customers cannot reach them and families being unable to communicate and check on the safety and well-being of their loved ones. One RLEC reported that a public safety notification system in South Dakota intended to notify parents of school alerts was unable to complete calls placed from a distant location. Another RLEC reported complaints from a state police barracks that was unable to receive long distance calls.

Unfortunately, customers often blame the RLEC for the problem calls and the RLEC endures the loss of goodwill, not to mention countless hours trying to track down the source of complaints and attempts to resolve them. Given the obvious implications for rural consumers and RLECs, and in light of the fact that RLECs cannot address or even identify all occurrences of this problem on their own, there is no time to lose in addressing this concern as public safety, homeland security, and economic well-being in rural America are threatened.

### ***Efforts to Scope the Problems***

The Rural Representatives fact-finding supports the conclusion that the problems appear to arise from how originating carriers choose to set up the signaling and routing of their calls. In an initial survey – the results of which were communicated to staff from the Enforcement Bureau and the Wireline Competition Bureau in March 2011 – over 80 percent of the more than 200 RLECs responding indicated that they had experienced call routing and termination concerns such as those described above. Moreover, a sizeable portion of these RLECs said that the problems continue to arise intermittently despite efforts to “troubleshoot” and resolve them when detected.

Following the initial survey and our meeting with Commission staff, the Rural Representatives undertook a second, more detailed survey to identify those service providers who appeared to be involved in some manner in the call routing and termination problems and to obtain more detail on the kinds of problems arising. In most cases, the only service provider who could be identified by responding RLECs was the Retail Provider for the customer who had placed the call. As explained in our prior meeting, however, the

Rural Representatives and the RLECs believe that in many, if not most, cases these Retail Providers do not carry the call to its ultimate destination, but instead hand off the call to an Underlying Provider depending upon the rates charged by that Underlying Provider at the relevant day or time. For example, “Carrier A” might be the Retail Provider for a customer, but based upon its routing tables that reflect the most economic (*i.e.*, least expensive) choice for transmitting a call, Carrier A might choose at a particular time to hand that call off to an Underlying Provider to transport the call to its destination. In fact, the Rural Representatives believe that in many, if not most, cases, there will be more than one Underlying Provider involved in the transmittal of a given call – and it is quite possible that one of these Underlying Providers is the actual “point of failure” in the flow of any given call.

The reports attached in Appendix A hereto summarize results from the second survey. From prior to 2008 until mid-April 2011 there were **10,163 individual customer complaints** showing among other things: (1) the Retail Providers that RLECs could identify as being involved in call routing and termination problems; (2) the number of complaints by “type” for that Retail Provider (*e.g.*, call failing to complete, delayed ringing, etc.); (3) the jurisdictions in which these problems have arisen; and (4) the efforts (or lack thereof) by the Retail Providers to respond to complaints, trouble tickets, or other inquiries about the service problems. The data show that complaints about calls failing to complete altogether represent a slim majority (53 percent) of the problems identified, followed by poor voice quality (16 percent), delayed ringing at the receiving end (13 percent), inaccurate or unintelligible Caller ID (11 percent), and inaccurate or misleading interception messages (5 percent). Such problems affect both interstate and intrastate calls.

Survey respondents indicated that the identified Retail Provider cooperated with the RLEC to resolve the problem slightly more than half of the time (56 percent). Often, the originating service provider would either open a trouble ticket, but only work with its own customer (11 percent), or would not open a trouble ticket and placed blame elsewhere instead (22 percent). Complaints were “permanently resolved” only 24 percent of the time. Most of the time, issues went unresolved or would only be resolved temporarily. Reports with respect to such troubles increased by over 2000 percent over a recent twelve-month period (from 78 in April 2010 to 1,811 in March 2011).

The data mostly indicate the response of only the Retail Provider to complaints raised by RLECs because it is almost always impossible for an RLEC to confirm whether any Underlying Provider was involved in a given call. Moreover, even where an Underlying Provider is suspected as being involved, it is typically impossible to identify the precise Underlying Provider – particularly when there could be multiple Underlying Providers involved in transmitting a single call to its destination. Thus, the Commission’s assistance is essential if we are to “get to the bottom” of these routing practices and ensure that Retail Providers and Underlying Providers playing a game of “hot potato” with calls do not continue to undermine the integrity of the PSTN. As the Rural Representatives indicated in the prior meeting, there is nothing inherently insidious or otherwise wrong with the use of Underlying Providers for the routing of calls – such routing can, in fact, be a necessary and useful component of the PSTN. But absent a robust Commission investigation and a meaningful assertion of jurisdiction where providers fail to respond adequately or comply with applicable law, bad practices in call routing and termination threaten to undermine the integrity of the PSTN.

### ***The Law and Potential Resolution***

RLECs are powerless to correct this issue on their own. Their efforts at “triage” on these call routing and termination concerns may resolve matters for a few days at a time for a few carriers at a time, but this problem is widespread and increasing. It threatens to overwhelm the resources of technical staff at

RLECs who, being small businesses, cannot afford to take operational personnel away from customer service to chase down every call routing and termination problem that is reported – particularly as these problems increase. Moreover, it is worth noting again that the complaints that are recorded are almost certainly only the “tip of the iceberg” for two key reasons – first, as call failures on the originating end occur, those come to the RLECs’ attention only to the extent that the RLEC customer may happen to learn that he or she has *not* received calls placed, and second, as these problems persist, both RLECs and their customers grow increasingly frustrated and may fail to report repeated failures as time goes on.

Commission intervention is essential at this point if the PSTN is to maintain its fundamental purpose. As described above, the Rural Representatives believe that many of these call routing and termination problems may lie with the Underlying Providers that the originating Retail Providers choose to carry their traffic. This being said, it is not clear to what degree a given Underlying Provider may be the cause of a problem as opposed to the issue arising on the network of the Retail Provider itself (or on the network of a different Underlying Provider in the chain of call completion). Moreover, even if the problems do arise on Underlying Provider networks in some part, Retail Providers have received enough complaints about these issues by now to be on actual notice that certain calls originating on their networks are not properly completing and that these problems persist/reoccur even where they attempt temporary fixes.

**Section 201** of the Act prescribes that all common carriers have a duty to provide service upon reasonable request thereof<sup>7</sup> and all “charges practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable.”<sup>8</sup> The failure to take steps to ensure completion of calls that a carrier’s customers have contracted for the carrier to complete is an unjust and unreasonable practice, as is the failure to respond meaningfully to repeated concerns raised by another carrier about failures in interconnection. Indeed, where an entity such as a Retail Provider knows, or should know (based upon multiple complaints received from its own customers and/or other carriers), that some act or omission on its part is resulting in a call that could fail or have some other call routing or transmission problem, that entity should be held responsible for its acts or omissions. To find otherwise would allow every common carrier in the United States to evade its most basic obligations under the Act simply by handing off calls to others and then turning a blind eye to concerns (and then a deaf ear to complaints) arising out of whatever results from such practices.

Carriers also have a general duty under **Section 251(a)** of the Act to install and implement network features, functions, or capabilities that ensure the ability of users to “seamlessly and transparently transmit and receive information between and across telecommunications networks.”<sup>9</sup> It is most certainly not a seamless or transparent transmission across networks if ringing is delayed, calls fail to complete, or if when they do complete, the voice quality is significantly compromised. Here again, the mere fact that an Underlying Provider, rather than the Retail Provider, may be the genesis of the call routing or termination problem is irrelevant to the legal analysis. The Retail Provider is the party that set into motion the chain of events that caused the call to fail or “time out,” to be blocked by a misleading intercept message, or to come through with garbled Caller ID information – it made the affirmative choice to hand the call off to the Underlying Provider in question. Although an isolated incident from time to time in this regard might perhaps be excused as an operational technicality (and these do happen), the repeated and sustained nature of these incidents would render any such assertion of ignorance or mistake laughable.

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<sup>7</sup> 47 U.S.C. § 201(a).

<sup>8</sup> *Id.* at § 201(b).

<sup>9</sup> 47 U.S.C. §256(a)(2). *See also*, 47 U.S.C. §§251(a), 255.

As noted above, Commission precedent dictates that no carrier may “block, choke, reduce or restrict traffic in any way.”<sup>10</sup> The Commission has expressed concern that such practices “may degrade the reliability of the nation’s telecommunications network.”<sup>11</sup> As the Commission has recognized, “it is not difficult to foresee instances in which the failure of a call to go through would represent a serious problem and, in certain instances, it could be life-threatening.”<sup>12</sup> When a carrier knows, or should know, that calls from its network are not completing or that ringing on the called party’s end is delayed to the point where the calling party gives up and hangs up, its failure to correct the problem or use a good faith effort to work with the called party’s carrier, is effectively blocking calls from getting through.

Moreover, the transmission of garbled or inaccurate caller ID information violates **Part 64 of the Commission’s rules**. Common carriers using SS7 are required to transmit the calling party’s number associated with an interstate call to interconnecting carriers.<sup>13</sup> Yet again, the fact that an Underlying Provider may be involved does not excuse the Retail Provider from complying with these obligations – and a Retail Provider should not be permitted to sidestep compliance with such obligations by using an Underlying Provider that it knows or has reason to know does not comply with such requirements. To the contrary, the originating carrier has an obligation to ensure that the proper caller ID information is transmitted through the transmission path to the called party’s carrier.

Of course, the Underlying Provider itself may (and likely should in most cases) be subject to these same legal and regulatory obligations described above as an independent matter. But it has been difficult for RLECs to even get Retail Providers to work with them on troubleshooting call routing and termination problems in many cases, never mind asking help of the Retail Provider in “piercing the veil” to identify any given Underlying Provider in a given call flow. Thus, the Rural Representatives suggest (and formally request) that the Commission initiate a thorough investigation of the interexchange call routing practices of the Retail Providers identified in the accompanying materials. The Rural Representatives also request that the Commission include the Retail Provider who, as indicated in Appendix B hereto, has specifically indicated it will not complete calls to certain rural or other supposedly “cost prohibitive” areas.

In anticipation of this investigation, the Rural Representatives suggest that the Commission ask of each such Retail Provider the questions attached as Appendix C (among any other that it may deem appropriate) to determine both the Retail Provider’s culpability in any call routing and termination problems *and* the identify of any and all Underlying Providers who may be involved in failing to complete calls to rural areas.

We appreciate the Commission’s interest in resolving these significant concerns. These practices are threatening commerce, public safety, and the ability of consumers in rural America to access and use a reliable network. The value of the Nation’s telecommunications network is compromised, and the

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<sup>10</sup> *Call Blocking Order*, 22 FCC Rcd at 11631, ¶ 6.

<sup>11</sup> *Id.* at 11631, ¶ 5.

<sup>12</sup> *Access Charge Reform, Reform of Access Charges Imposed by Competitive Local Exchange Carriers*, CC Docket No. 96-262, Seventh Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 9923, 9934 (2001), at ¶ 24.

<sup>13</sup> 47 C.F.R. § 64.1601(a).

REDACTED FOR PUBLIC INSPECTION

Commission must take swift and firm action to deter and prevent operating practices (or omissions) that are threatening the PSTN's integrity.

We would be pleased to answer any further questions you may have regarding these matters, and we are extremely hopeful that rural consumers will soon no longer face the prospect of being effectively "carved off" from the rest of the United States for something so basic as regulated telephone service.

Respectfully submitted,

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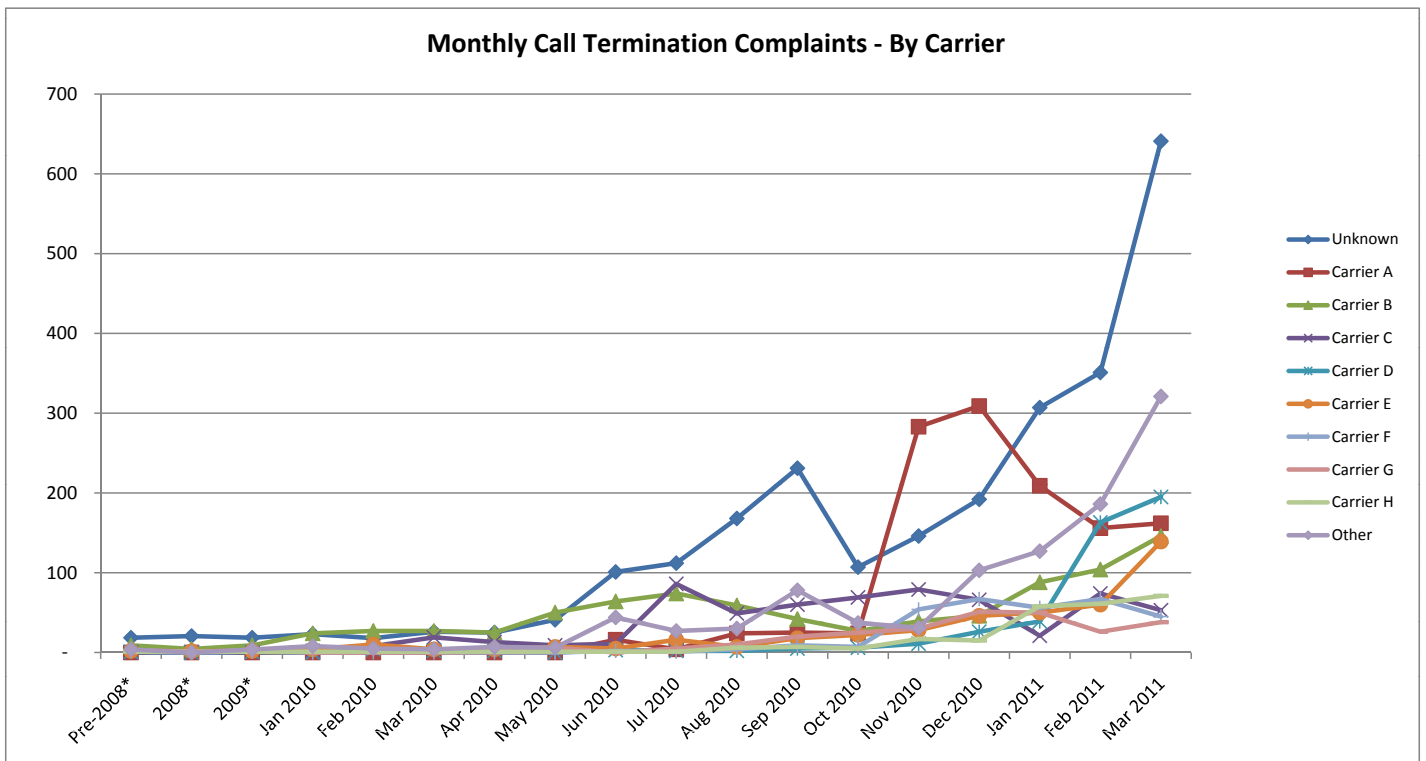
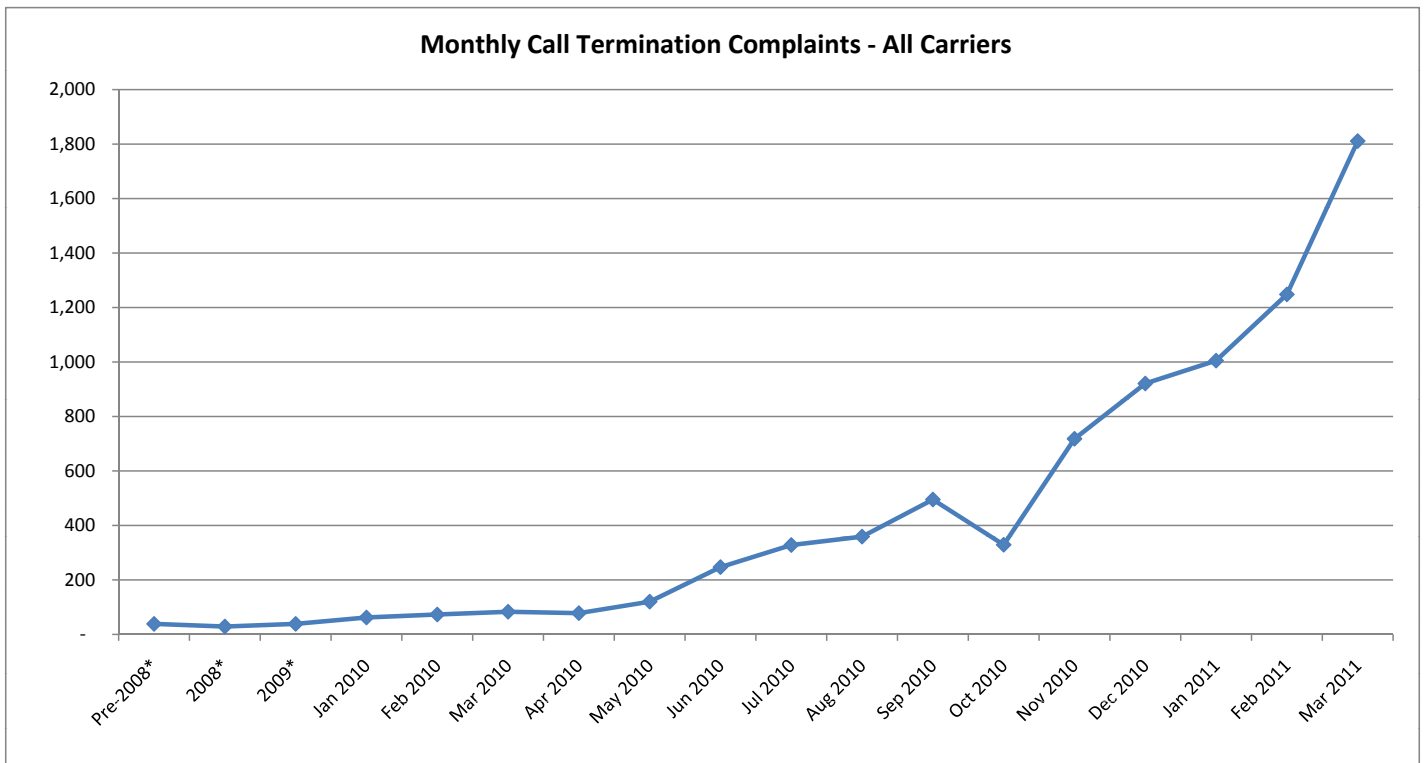
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**APPENDIX A**

**RESULTS FROM CARRIER SPECIFIC CALL TERMINATION ISSUES SURVEY**

## Carrier Specific Call Termination Issues Survey



\* Pre-2010 periods are displayed as monthly averages

Redacted for public inspection.

## Carrier Specific Call Termination Issues Survey Summary

Originating Carrier/Provider Name	Grand Total	Unknown	Carrier A	Carrier B	Carrier C	Carrier D	Carrier E	Carrier F	Carrier G	Carrier H	All Others
Total Complaints	10,163	3,578	1,347	1,127	668	650	542	361	335	327	1,228
		35%	13%	11%	7%	6%	5%	4%	3%	3%	12%
Complaint percentages by type:											
Calls failing to complete	53%	50%	65%	44%	43%	11%	67%	65%	44%	63%	62%
Extremely poor voice quality	16%	26%	8%	7%	17%	4%	5%	7%	7%	19%	16%
Delayed ringing at receiving end	13%	9%	8%	8%	13%	78%	6%	17%	13%	16%	8%
Inaccurate or unintelligible caller ID	11%	11%	12%	28%	16%	7%	14%	6%	2%	1%	7%
Inaccurate or misleading interception messages	5%	2%	3%	10%	10%	1%	6%	5%	25%	1%	6%
Other	2%	1%	4%	3%	0%	0%	2%	1%	10%	0%	2%
Carrier response to resolution efforts											
Opened a trouble ticket and cooperated with ILEC staff	56%	N/A	13%	67%	100%	65%	15%	27%	47%	11%	67%
Would not open a trouble ticket/only blamed others	22%	N/A	79%	5%	0%	0%	45%	27%	31%	0%	14%
Other	11%	N/A	6%	22%	0%	25%	27%	37%	12%	1%	8%
Opened a trouble ticket but only worked with calling party	11%	N/A	2%	6%	0%	10%	13%	8%	10%	88%	12%
Resolution status:											
Temporarily resolved (issues recurred after some time)	44%	24%	40%	28%	98%	50%	23%	37%	52%	93%	39%
Unresolved	32%	66%	6%	20%	0%	19%	30%	25%	47%	3%	16%
Permanently resolved	24%	10%	54%	52%	2%	32%	48%	38%	1%	5%	45%



## Carrier Specific Call Termination Issues Survey

### Steps RLECs have taken to attempt to resolve the issue with originating carriers/providers

#### Comment 1

*"Please understand that this has been a very difficult issue to retrace because for a long time we thought that the issue was ours. This is one reason that we do not have as much documentation as we would like to provide. We can assure you that we have received hundreds, if not thousands, of complaints over the past two years. We have spent countless hours outside of normal work hours and on weekends chasing resolutions to problems that were beyond our ability to fix.*

*"The scenarios have varied over the past two years. Many times the originating carrier told their customer that the issue was on our end. We tried various avenues to resolve their problems without success. Many complaints appeared to be the same customers not receiving calls from the same family or friends—so we thought. In the past six to twelve months, many other members have reported that they were having this problem for a long time but were not calling our office.*

*"We tried checking everything on our end, but never found any issues that we could pinpoint to a malfunction or mishap in our network. Many customers were upset with us, especially our business customers, because they believed and were told from the party calling them that the issue was in our network. However, this has never been the case to this point in time.*

*"In the beginning, many customers complained but would not provide information about the originating party because they were sure the issue was in our network. On other occasions, the originating party was not eager to help or open a trouble ticket on their end because they too thought the issue was in our network. The originating party was not always happy to spend their time helping us resolve what they perceived as our issue. As a result, we do not know in many cases what the outcome was, or even if the customer did indeed open a trouble ticket with their carrier.*

*"As we gained experience in dealing with this dilemma, we became adamant that the originating party must open a trouble ticket with their LD provider. This came about because [redacted] eventually got to a point where they did not want to help try and resolve issues for LD companies that were not checking their own networks first. For a while, [redacted] would open a trap to see if calls were making it to their network, but this could only happen if the originating party was willing to place a test call at a specific time when the trap was open.*

*"We finally concluded that the originators of LD calls must open trouble tickets with their provider. It only made sense because if our LD customers had a problem completing a call, they did not call the terminating end and tell them they had a problem, nor did we. Instead, they called us and we opened a trouble ticket with our wholesaler. This is the only means that we have found of making any progress with these terminating call issues."*

Redacted for public inspection.

#### Comment 2

*"All call problems are reported to [redacted] who is our CEA tandem. Call problems range from unusable quality to non completed calls. Problems are resolved temporarily from several hours to several days. Very difficult to determine the number of failed calls. All [known] failures are reported to [redacted]. These numbers are only the tip of the iceberg as most of our customers are not aware when calls are not reaching them as these calls never get to our network."*

#### Comment 3

*"Opened excessive numbers of trouble tickets, both with wireless carriers (mainly [redacted]), ILEC owners of the tandems ([redacted] and [redacted]) to no resolution. We found no problems between us and the ILEC's but also were never able to identify the problem. Tickets with wireless carriers were closed with virtually no troubleshooting on their part, with no resolution or explanation, 100% of the time. We suspect there is a wholesale VOIP provider somewhere in the call progression that is causing these issues, but [we] have been unable to identify them. We can consistently recreate the call problems making test calls on our [redacted] cell phones."*

#### Comment 4

*"With [redacted] I worked for more than 90 days to resolve this issue, they would not take any responsibility the first 60 days until I could provide all the test proof to them that it had nothing to do with us. Even then they couldn't resolve the issues, when customers would call them they would say it was the customer's local provider and then the customer wouldn't believe us as [redacted] couldn't possibly lie about something like this. We lost customers over this issue."*

#### Comment 5

*"This is a very difficult problem to address because it is normally reported by one of our customers that is not receiving calls. We leave messages with the originating caller, but often they don't return our calls. When we are able to make contact with the originating party, they are not always cooperative, they just see it as our problem, and we should be able to fix it without wasting their time. In almost every case, in the initial report, the carrier blames [redacted] for the problem, until we challenge them. In all cases the carrier does tell us they reroute the calls, and they work, but within 2 weeks they stop working."*

#### Comment 6

*"In all cases, OUR own customers called us thinking it was a problem with our lines as they were not receiving calls. We determined the people calling them were [redacted] customers. We informed them to tell the originating caller to contact [redacted], but we do not know if this was done. One [customer] had trouble contacting our own line at the office - quality of voice was poor and she hung up. Tried to call me back for 2 hours and said it kept ringing on her end, but never rang here. Her caller ID number was also incorrect."*

#### Comment 7

*"For the most part, we have advised that the caller needs to open a ticket with their carrier. In some cases we were able to work with [redacted] directly as we had employees who were [redacted] customers and then able to work from that angle. In this case, we would see the fix, but it was temporary."*

#### Comment 8

*"With the inbound call issues we have seen, most of the troubles have been reported by our subscribers as not being able to receive some of their phone calls. In some of these cases we do not get any SS7 messages indicating an incoming call ever reached our switch. We have to contact our customer and get the phone number of the originator and call them to request that they submit a trouble with their long distance provider. Most of the time their long distance provider would tell their customer the trouble was with the terminating switch, and was not their problem. In the cases where we do see an incoming call to our switch we immediately turn in a trouble with the terminating LD carrier. All LD carriers have been for the most part unresponsive to our trouble tickets, except for [redacted]. If we were lucky enough to get an issue taken care of the LD companies would not provide us with name of the carrier responsible and no indication of cause."*

#### Comment 9

*"Each time, the trouble is tested on our end to make sure everything is working properly, then if no trouble is found, the customer is instructed to have the originating caller contact their LD provider or wireless provider to report the trouble on their end. We usually do not hear the results of those trouble reports."*

#### Comment 10

*"Have traced a few calls with [redacted]/[redacted] and determined they were being dropped somewhere in route. These are only the reports that were recorded. There were many, many more instances."*

#### Comment 11

*"We just recently started tracking these issues but in all cases we do not see these calls hitting our switch. The testing that has taken place resulted in calls completing during testing but after a short period of time the end user is not able to complete the calls again."*

#### Comment 12

*"We attempted to call [redacted] ourselves to help our customers who were having problems. [Redacted] refused to open trouble tickets for us. [Redacted] insisted that the originating caller had to call their long distance carrier. However, the originating caller, unless they had some other way to communicate to the customer in our area, would not have known there was a problem, since most of the calls we surveyed were rings on the originating end that never connected to our terminating customers."*

Comment 13

*"When a trouble is reported to us we ask the originating caller to contact their long distance carrier repeatedly until they open a trouble ticket. Our technicians will also check our switch for any terminating call troubles. However, 9 times out of 10 it does not hit our switch."*

Comment 14

*"These are very time consuming for our staff because we need to test with the calling party who is NOT our customer to determine who they have for a carrier. We request they make at least three test calls to our office at their cost. One test must be via [redacted] which always seems to work the best. Most carriers will not talk to us because we are not the Customer of Record. CPNI rules prevent them from working with us unless their customer initiated the trouble ticket. So we must convince somebody that has never heard of us to call their long distance company and open a trouble ticket and give us permission to talk with them, and we must also request this person call us long distance to troubleshoot. When all along their long distance company is telling them it is our problem. We suspect this problem started much earlier than we knew, most of our customers don't complain until the problem is chronic."*

Comment 15

*"[Redacted] accepted calls and created trouble tickets and talked to staff at our company. Each time we called to report delays with connections coming into our business office and our repair office. However, they only really told our staff they would be fixing the problem and that they would call us back when the problem was resolved. We had to open multiple trouble tickets because when [redacted] believed the problem was resolved it either reoccurred nearly immediately or the trouble was shifted between our business office trunk and our repair trunk. Finally, after several complaints over about a 1 day period the problem was resolved. Ultimately, we were told that the underlying carrier-transport was changed."*

**APPENDIX B**

**MATERIALS FROM RETAIL PROVIDER CUSTOMER “FAQs”**

**INDICATING REFUSAL TO ROUTE CALLS TO “COST-PROHIBITIVE” AREAS**



January 17, 2008  
magicJack

**2009 Product of the Year**

**HOME**

# 100% Risk Free Try Before You Buy

**Your Question**  
Why won't some of my calls complete?

Category: [All](#) > [Frequently Asked Questions](#)

**Answer**

Some restrictions in cost prohibitive areas may apply.

If the party you were calling owned a magicJack, you would be able to reach them and they could call you for free too!

magicJacks may be purchased at retail outlets like RadioShack, Best Buy, Wal-Mart, and many more.

As another alternative, the party you are trying to reach could download [magicTalk](#).

Last Update: Feb 19, 2011

**FREE TRIAL**  
Use our Phone Service for free, make all the free calls you please. 100% Risk FREE - you pay nothing. (Hurry, less than 10,000 magicJacks are eligible to be shipped for the Free Trial Offer Today, Thursday, June 2, 2011. This offer is not available in stores and will expire.)

**Click Here for Free Trial**

**FREE Local & Long Distance**  
FREE Directory Assistance  
FREE Phone Number  
FREE Call Waiting  
FREE Voicemail  
FREE Caller ID

works with  
    








  
FCC# A921

## **APPENDIX C**

### **QUESTIONS FOR RETAIL PROVIDERS**

1. Please identify each least-cost router, interexchange carrier (“IXC”), and any other wholesale relationship (collectively, “LCRs”) that you utilize for the transmission of 1+ and any other long distance/toll calls (“Calls”) placed by your retail end user customers.
2. Please provide a detailed explanation, including any routing table information, indicating how you choose which LCR you will use for the transmission of any given Call. This would include an indication of which LCR you may use on a given day or at a given time.
3. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a failure by one of your retail end user customers to complete a Call to another party located in any area served by a rural local exchange carrier (“RLEC”).
4. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a Call that rings without answer as placed by one of your retail end user customers to another party located in any area served by an RLEC.
5. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a Call that has been placed by one of your retail end user customers to another party located in any area served by an RLEC but was subjected to an intercept message indicating that the Call could not be completed for any reason.
6. Please produce any and all documentation relating to any and all complaints, trouble tickets, or other inquiries involving a Call placed by one of your retail end user customers to another party located in any area served by an RLEC where the Call is alleged to have displayed incorrect, inaccurate, or misleading Caller ID.
7. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a failure to complete a Call to a party located in any area served by an RLEC.
8. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a Call that rings without answer as placed to a party located in any area served by an RLEC.
9. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a Call that has been placed to a party located in any area served by an RLEC but was subjected to an intercept message indicating that the Call could not be completed for any reason.
10. Please produce any and all communications you have had with LCRs relating to any and all complaints, trouble tickets, or other inquiries involving a Call that has been placed to a party located in any area served by an RLEC where the Call is alleged to have displayed incorrect, inaccurate, or misleading Caller ID to the called party.
11. Please produce any and all documentation explaining your policies with respect to management of LCRs, including but not limited to any contracts with such LCRs and other statements of policy regarding the need for LCRs to comply with applicable law and ensure timely completion of Calls.
12. Please produce any and all documentation indicating steps that you have taken to address acts or omissions by LCRs with respect to: (a) Calls that ring for the calling party, but not at all or on a delayed basis for the called customer; (b) calling parties who receive intercept messages stating that the Call cannot be completed for any reason; (c) Calls that do not complete;

and/or (d) Calls for which incorrect, inaccurate, or misleading caller ID displays to called parties.

13. Please produce any and all communications you have had with RLECs regarding: (a) Calls that ring for the calling party, but not at all or on a delayed basis for the called customer; (b) calling parties who receive intercept messages stating that the Call cannot be completed for any reason; (c) Calls that do not complete; and/or (d) Calls for which incorrect, inaccurate, or misleading caller ID displays to called parties.